

Remarks

This Amendment is responsive to the Advisory Action mailed September 13, 2001 (Paper No. 14). Entry of this Amendment and reconsideration of the subject application in view thereof are respectfully requested.

Claims

Claims 1-24 and 26-36 were pending. Claims 1-24 and 26-36 stand rejected.

Advisory Action

The Examiner asserts that:

Applicant appears to argue that the amended claims do not include an adhesive and that Denzer (6,007,836) teaches away from a delivery device that does not include an adhesive. However, the claims are still not closed as the claims "further comprise" ingredients including a stabilizer, a solubilizer, an enhancer, and a plasticizer. Adhesives fall within these ingredients. Furthermore, one would look to the specification to understand what the disk of the instant claims is. There, one finds that the specification discloses that the disk comprises adhesives.

Applicants respectfully note that Denzer specifically teaches that all of the Denzer patches "are provided with an adhesive on the inner, skin-facing surface" thereof. (See Denzer Col. 7, lines 38-43). Moreover, Denzer further specifically teaches that

[a]s a means of consistently describing the features of the present invention, the adhesive itself will not be termed a layer in and of itself. **Rather, adhesives will be discussed in the present invention as being coated upon or applied to surfaces comprising the patch.**

(See Denzer Col. 6, lines 54-59)(emphasis added). The claims of the instant application specifically do not encompass devices having an adhesive "coated upon or applied to surfaces comprising the patch" as specifically taught as required by Denzer. The Examiner asserts that the "disk" of the instant application may comprise adhesives. Applicants respectfully note, however, that the "disk" encompassed by the subject claims is a mixture of materials including an effective dose of a therapeutic agent suitable for treating erectile dysfunction. Examples 1-6, for instance, make clear that the "disk" is a mixture of materials subjected to vigorous agitation.

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The devices encompassed by the claims of the instant invention specifically do not include an adhesive that is coated upon or applied to a surface of the patch as contemplated and taught by Denzer. Denzer does not anticipate the devices encompassed by the instant claims. Denzer specifically teaches away from the devices encompassed by the instant claims. Reconsideration and withdrawal of the outstanding rejections are respectfully requested.

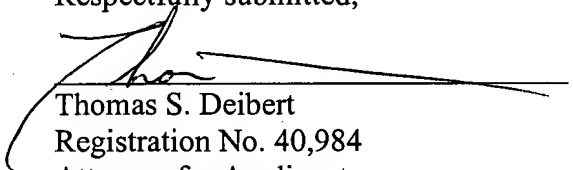
FEE DEFICIENCY

- ☒ This Paper is believed timely filed. If an extension of time is deemed required for consideration of this paper, please consider this paper to comprise a petition for such an extension of time; The Commissioner is hereby authorized to charge the fee for any such extension to Deposit Account No. 04-0480.
- and/or**
- ☒ If any additional fee is required for consideration of this paper, please charge Account No. 04-0480.

Closing Remarks

Applicants thank the Examiner for the Office Action and believe this response to be a full and complete response to such Office Action. Accordingly, favorable reconsideration in view of this response and allowance of the pending claims are earnestly solicited.

Respectfully submitted,


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